



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Or-Bach et al.

Title: System and Method for Amalgamating Multiple Shipping Companies  
Using Reusable Containers and Wide Area Networks

Serial No.: 09/642,358

Filed: 8/21/00

Examiner: David Q. Le

Art Unit: 3621

Docket No.: OR-BACH3

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Applicants submit herewith in triplicate their appeal brief in the above-mentioned application. Pursuant to rule 37 CFR 1.17(c), Applicants enclose herewith a check for \$165. The Commissioner is requested to deduct any additional required fees, or credit any overpayment, to deposit account 500794.

Respectfully submitted,

Kenneth E. Leeds

Reg. No. 30,566

Attorney for Applicants

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 9/13/04.

9/13/04  
Date

Signature



AF/3621  
Ifw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Or-Bach et al.

Title: System and Method for Amalgamating Multiple Shipping Companies  
Using Reusable Containers and Wide Area Networks

Serial No.: 09/642,358

Filed: 8/21/00

Examiner: David Q. Le

Art Unit: 3621

Docket No.: OR-BACH3

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

APPEAL BRIEF

I. Real Party in Interest. The Real parties in interest are the Applicants, Zvi Or-Bach and Dan Kikinis.

II. Related Appeals and Interferences. There are no related appeals or interferences.

III. Status of Claims. Claims 1-3, 5-28 and 30-32 are rejected. Claims 4 and 29 are canceled. Claims 33-59 are withdrawn from consideration.

IV. Status of Amendments. All amendments have been entered.

V. Summary of Invention.

The invention pertains to a system for managing vehicles used to deliver packages and tracking those packages. This application contains several groups of claims, each pertaining to different aspects of the system.

A. Summary of Groups A and B of the Claims

The group A and B claims pertain to a method and apparatus for locating a package within a vehicle (e.g. delivery truck 401 in Fig. 4). Delivery trucks often contain a large number of packages (e.g. packages 510 in Fig. 5A), thereby making it difficult for the driver to locate a package to be delivered to a particular location. In order to solve this problem, radio frequency ID tags (e.g. RFIDs 511 in Fig. 5A) are secured to the packages within truck 401. A transmitter (e.g. within scanning unit 501) emits a radio signal (e.g. radio pulses 530) containing a code that elicits a response from one of the RFIDs 511i secured to a desired one of packages (e.g. package 510i). RFID 511i then emits a response signal 531. Response signal 531 is used to determine the location of desired package 510i, and one or more light beam pointers 503a, 503n responsive to response signal 531, point to package 510i so it can be easily and immediately located by the driver.

In another embodiment, the RFID tags themselves contain means for providing a visible or audible output signal (e.g. structures 511-2, 511-3 in Fig. 5B) in response to radio signal 530 so that the truck driver can easily and immediately locate desired package 510i.

Each package typically has an RFID secured thereto, each RFID responding to a particular code signal that can be emitted by the transmitter. Thus, the driver can locate any package 510 in truck 401 quickly, efficiently, and without error.

B. Summary of Groups C, D and E of the Claims

In claim groups C, D and E, a vehicle (e.g. truck 401 of Fig. 4) carries packages (e.g. packages 510 of Fig. 5A) to various destinations. Means are provided for informing a computer 422 at a central location 420 when truck 401 has reached a destination (e.g. store 410). (This means can comprise an RFID 405 secured to truck 401 and an RFID scanner 411 located at store 410.) In one embodiment, computer 422 at central location 420 provides a list of transactions 413 at store 410, e.g. a list of packages to be removed from truck 401 and delivered to store 410, or a list of packages to be picked up from store 410 and placed on truck 401. This permits several advantages:

- a) The amount of paperwork that the driver must take with him is minimized.
- b) The list of transactions can be modified and updated at any time before the driver reaches store 410.
- c) The list is provided without the store owner having to remember or type in any codes or instructions into a computer.
- d) It is envisioned that the store, truck and the party shipping the packages may be part of three different companies. The ability to control delivery of packages in this manner permits improved communication and coordination between the three companies that may be involved in this transaction.

C. Summary of Groups F and G of the Claims.

In claim groups F and G, a vehicle such as truck 401 of Fig. 4 transports a set of packages such as packages 510 to a facility such as store 410. Means are provided for sensing when truck 401 has reached store 410. In one embodiment, such means can

comprise an RFID 405 secured to or placed within truck 401. Scanner 411 senses that the RFID is near store 410. Alternatively, such means can comprise a global positioning system 403 secured to truck 401. The sensing means communicates to a computer (e.g. one of computers 412, 422, 432 or 462) that the truck bearing a desired package has reached store 410. This computer, in turn, communicates to a purchaser that his order (i.e. the desired package) has arrived. The purchaser can then go to the store to pick up his package. (The package is held at the store until the purchaser can pick it up. The package is delivered to store 410, rather than the purchaser's home, to avoid requiring the purchaser to remain at his home to sign for the package, e.g. if the package is valuable, or if the purchaser's neighborhood is an unsafe or inconvenient place to leave packages.)

In one embodiment, the sensing device (e.g. scanner 411 or global positioning system 403) is coupled via a wide area network (a "WAN", e.g. the internet) to the computer (e.g. 412, 422, 432 or 462). Therefore, it is unnecessary to have a dedicated link between store 410 and the computer.

D. Summary of Claim Group H, I and J.

A method in accordance with the claims of groups H, I and J comprises providing a set of packages on a vehicle, e.g. packages 510 provided on truck 401. Each of the packages has an RFID such as RFIDs 511 within or affixed thereto. A database within a memory device (e.g. memory device 421a-n coupled to computer 422) stores a list of packages 510 contained within truck 401. As the packages 510 are removed from truck 401, RFIDs 511 affixed to these packages are scanned. The database is automatically updated in response to the scanning. (The scanner provides a radio signal to the RFIDs,

and the RFIDs respond with a radio signal containing information pertaining to the package to which the RFID is affixed.) The scanner is coupled to memory 421 a-n containing the database via a wide area network such as the internet.

In one embodiment, data is loaded into the database by scanning the RFIDs affixed to the packages as the packages are loaded into the truck. In this way, the packages on the truck can be tracked without error.

VI. Issues.

Are claims 1-3, 5-28 and 30-32 obvious in light of Belcher combined with Garber?

VII. Grouping of Claims. The claims do not stand and fall together. The issues concerning claim groups A-J are argued in sections A-J of the Argument, below.

VIII. Argument.

A. Claim 1 Distinguishes Over Belcher and Garber.

1. Garber and Belcher fail to teach or suggest Applicants' Sound Generating Device or Light source Secured to Said Queried Signal Responsive Tag.

Claim 1 recites:

A system comprising:

a delivery vehicle;

a set of packages within said vehicle, said packages having a signal responsive tag;

a transmitter for querying one of the signal responsive tags within said vehicle to thereby locate the package corresponding to said signal responsive tag; and

**a sound generating device or a light source secured to said queried signal responsive tag** identifying a package corresponding to said queried signal responsive tag.

The only prior art cited by or relied upon by the Examiner are Belcher and Garber. The Examiner admits that Belcher does not disclose a sound generating device or light source secured to said queried signal responsive tag. Office Action, page 5.<sup>1</sup> Similarly, Garber does not disclose the claimed “sound generating device or light source secured to said queried signal responsive tag....” Therefore, Belcher and Garber cannot render obvious Applicants’ claim 1.

In order to render a claim obvious, **all** the claim limitations must be in the prior art. See, for example, In re Royka and Martin, 180 USPQ 580, 582-583 (CCPA 1974) and MPEP §2143.03. Because the cited references do not teach or suggest the above-mentioned limitation of claim 1, claim 1 cannot be obvious.

Belcher applies RF transceiver tags 16 on various objects within “a prescribed asset management environment 12”.<sup>2</sup> The locations of these objects are sensed and stored in an “asset management database 20”<sup>3</sup> to be accessed by a computer 26. As mentioned above, the Examiner admits that Belcher fails to teach Applicants’ “sound-generating device or a light source secured to said queried signal responsive tag.” The Examiner tries to compensate for this lack of disclosure by arguing:

However, Belcher discloses that his system provides for an exchange of transmissions between the ID tags and a querying wand (Abstract; Background and Summary of the Invention; Fig 1; associated text). Belcher is directed to an “asset management system” wherein both ID tags and querying wand can beam

---

<sup>1</sup> The citations to the Office Action refer to the final action dated June 2, 2004.

<sup>2</sup> Belcher Col. 4, lines 31-32.

<sup>3</sup> Belcher Col. 4, lines 34-36.

“spread spectrum” [radio]<sup>4</sup> pulses at one another, in response to each other’s initial transmission or query, for the purpose of pin-pointing the location of the objects equipped with said ID tags.

Office Action, page 5. Even if this is so,<sup>5</sup> there is still no mention or suggestion of a sound or light generating device secured to a tag. In fact, the words “light” and “sound” do not even appear in Belcher. Thus, under MPEP §2143.03 the outstanding rejection is illegal.

Having admitted that Belcher fails to disclose the above-mentioned limitation, the Examiner argues:

Similarly, Garber is directed to various applications using RFID devices including tags and hand-held reader devices, again exchanging transmissions, for the purpose of locating objects equipped with such tags (Abstract; Background, Summary of the Invention). Garber further teaches that during that locating process, “feedback to the user is preferably provided through a combination of sound, lights, and a display” (Fig 13; C14, L53-C15, lines 1-10, 32-38).

Office Action, pages 5-6. This characterization of Garber is misleading. Referring to Fig. 13, Garber teaches a hand-held scanner for scanning tags secured to library books on a bookshelf. Garber provides a display device **on the scanner, and not on an RFID tag**. See Garber Fig. 13 and the text cited by the Examiner. (The display on the scanner shows the title and call number of the book being scanned.) Thus, again, Garber neither teaches nor suggests Applicants’ “sound generating device or a light source secured to said queried signal responsive tag”.

In fact, Garber teaches away from Applicants’ invention. Garber teaches tags applied to library books, inter alia, to prevent theft. Garber states:

---

<sup>4</sup> The spread spectrum signal is a radio signal—it involves neither light nor sound. Belcher Col. 4, line 50.

<sup>5</sup> Applicants do not admit that this description of Belcher is accurate. Rather, Applicants argue that even if the Examiner described Belcher accurately, there is no mention of the sound or light generating device secured to a RFID tag.



The overall thickness of the combination tag should be as small as possible, to enable the tag to be inconspicuously placed on or in an article. For example, the tag may be applied with adhesive between the pages of a book, and it is desirable to make the tag thin enough to prevent easy detection by observing the end of the book....

Col. 9, lines 57-60. Thus, Garber teaches that one should avoid making the tag detectable by a human, and therefore teaches away from Applicants' invention. According to MPEP §2145(X)(D)(2), it is improper to modify references where the references teach away from the modification. Thus, the rejection of the claims in light of Belcher combined with Garber is illegal.

Garber's hand-held scanner (Fig. 13, cited by the Examiner) indicates to a user the title, author and call number of a book being scanned. There is no reason one would put this sort of information on an RFID tag hidden within the book. Thus, once again, there is nothing to suggest modifying the cited art as suggested by the Examiner.

After admitting the lack of disclosure in the cited art, the Examiner argues:

It would have been obvious to one ordinarily skilled in the art and RFID technology as (sic) the time the invention was made to have included a light pulse or audible sound from the tag and/or a light beam in the reader shining toward the located tag in order to further aid the user in locating an inventor item, once the item's RFID tag has identified itself positively to the reader's query. Such a feature, as taught by both Belcher and Garber, would allow a user to better locate the item in a dark, crowded warehouse or back of a transport truck, and would make the system a more attractive one for users to input.<sup>6</sup>

Office Action, page 6. This argument is wrong for several reasons. First of all, the "light pulse or audible sound from the tag" is simply not taught by Belcher or Garber. The Office Action admits that Belcher does not teach this limitation, and Garber

---

<sup>6</sup> Applicants' attorney does not understand the phrase "would make the system a more attractive one for users to input." Input what? This phrase makes no sense.

teaches directly away from it. Therefore, the above-quoted passage from the Office Action makes no sense. The prior art cannot teach or suggest adding a structure to prior art apparatus if the prior art does not teach or suggest that structure. Since the prior art does not teach or suggest a light or sound generating device secured to a tag, the prior art cannot teach or suggest adding such a light or sound generating device secured to a tag to the prior art Belcher or Garber apparatus.

Second, the alleged rationale for including a “sound generating device” secured to an RFID in a Belcher or Garber apparatus (i.e. it “would allow a user to better locate the item in a dark, crowded warehouse or back of a transport truck, and would make the system a more attractive one for users to input”) is not taught or suggested in the cited art. In fact, the words, “dark”, “crowded” and “transport truck” do not even appear in these references. Thus, even if a light or sound generating device secured to a tag were taught in the cited art, since the alleged motivation to include this feature is not taught or suggested by the art, it could not possibly be obvious to include this feature in a Belcher or Garber apparatus. See MPEP § 2143.01, page 2100-129, which states that in order for references to render a claimed invention obvious, the prior art must contain a suggestion to combine those references.

Finally, if one were trying to use Belcher or Garber’s apparatus in a dark warehouse and encountered problems, the obvious solution to one skilled in the art would be to turn on the light, not to modify Belcher’s or Garber’s apparatus. Thus, the rejection of claim 1 is wrong. It is nothing more than illegal hindsight.

Claims 2, 3 and 5-12, distinguish over the cited art for at least the same reason as claim 1.

2. The Cited Art Neither Teaches Nor Suggests a Delivery Vehicle or Packages Loaded Onto a Delivery Vehicle.

The arguments set forth in section A(1) above suffice to show that claims 1, 2, 3 and 5-12 distinguish over Belcher and Garber. However, these claims distinguish over the cited art for the additional reason that the art does not teach or suggest Applicants' claimed "delivery vehicle" and "a set of packages within said vehicle, said packages having a signal responsive tag...." (Claim 1). The Office Action appears to allege that a) the vehicle shown in Belcher Fig. 1 is a "delivery vehicle" and the "pallet storage" is "a set of packages within said vehicle". (See Office Action, page 5.) This is incorrect. The legend "pallet storage" in Belcher Fig. 1 merely refers to a pallet storing something in an asset management environment, i.e. a warehouse. There is nothing in Belcher to teach or suggest that there are packages on the pallet, with each package containing a signal responsive tag. Rather, Belcher teaches that there is one tag affixed to whatever the pallet is holding. Second, Belcher's pallet is **not located within the vehicle of Fig. 1**. Thus, Belcher teaches away from this limitation of claim 1. Third, there is nothing to teach or suggest that the vehicle in Belcher Fig. 1 is a delivery vehicle. In short, the Office Action is predicted on disclosure that does not exist in Belcher, and in fact, which Belcher contradicts. Thus, the rejection of these claims should be overturned for this reason as well.

B. Claim 3 Distinguishes Over the Cited Art.

Claim 3 recites:

A system comprising:

a delivery vehicle;

a set of packages within said vehicle, said packages having a signal responsive tag;

a transmitter for querying one of the signal responsive tags within said vehicle to thereby locate the package corresponding to said signal responsive tag, said signal responsive tag emitting a signal in response to said querying; and

**at least one light beam source for pointing to said package with a light beam, the direction of said light beam being in response to said signal.**

The prior art does not teach or suggest anything even vaguely resembling a light beam source for pointing to a package. In fact, the Examiner admits that “Belcher does not specifically disclose ... using one or more light beams for pointing toward the tag, the direction of said light beams being responsive to said reply signal [claim 8]; the direction of said light being in response to said signal [claim3].” Office Action, page 5. (Garber also does not teach or suggest this limitation.) As mentioned above, in order for a claim to be obvious, the prior art must teach or suggest **all** the claim limitations. See Royka and MPEP §2143.03, supra. Because the cited references do not teach the above-mentioned limitation of claim 3, claim 3 cannot be obvious.

The Examiner’s sole rationale for finding claim 3 obvious is that it would be a convenient way to locate a package in a dark warehouse or truck. (Office Action, pages 5-6.) Under the Examiner’s logic, if one attempted to use the Belcher or Garber apparatus in a dark warehouse or truck and encountered difficulties, that would render each and every possible solution for solving the difficulties encountered regardless of whether that solution exists in the prior art. This is contrary to law. There is nothing to suggest using Applicants’ claimed “light beam source for pointing to said package with a light beam, the direction of said light beam being in response to said signal.” Thus, claim 3 could not possibly be obvious.

Claim 3 also distinguishes over the cited references because they do not teach the Examiner's alleged rationale for modifying the cited art. Neither Garber nor Belcher teaches nor suggests the Examiner's dark, crowded warehouse or delivery truck. (As mentioned above, the words "dark", "crowded" and "delivery truck" don't even exist in Garber or Belcher.) Therefore, there is nothing in the cited art to suggest modifying Belcher or Garber.

Further, as mentioned above, even if one skilled in the art were faced with the problem of a dark warehouse or delivery truck, the obvious solution to this problem would be to turn on a light—not modify Garber or Belcher.

At page 3, the Office Action states:

With regards to claim 3: Applicant argues that the references do not teach "at least a light beam source for pointing to said package with a light beam, the direction of said light beam being in response to said signal". The Examiner disagrees with this reading of the references.

First, Belcher clearly discloses that his system provides for an exchange of transmissions between the ID tags and a querying wand (Abstract; Background and Summary of the Invention; Fig 1; associated text). Belcher is directed to an "asset management system" wherein both ID tags and querying wand can beam "spread spectrum" pulses at one another, in response to each other's initial transmission or query, for the purpose of pin-pointing the location of the objects equipped with said ID tags.

Office Action, page 3. As mentioned above, spread spectrum pulses are radio pulses.

They are **not** light pulses. (Belcher specifically states that spread spectrum pulses are radio pulses. See col. 4, 50.) In fact, the word "light" doesn't even appear in Belcher.

Accordingly, the Examiner's arguments are irrelevant, especially in light of the Examiner's admission on Office Action page 5 that Belcher does not disclose "using one or more light beams for pointing toward the tag".

The Examiner argues:

Similarly, Garber is directed to various applications utilizing RFID devices including tags and hand-held reader devices, again exchanging transmission, for the purpose of locating objects equipped with such tags.... Garber further teaches that during that locating process, “feedback to the user is preferably provided through a combination of sound, lights, and a display....

Office Action, page 3. Again, this is completely irrelevant. Garber does not teach or suggest “using one or more light beams for pointing toward the tag” as required by claim

3. Therefore, Garber combined with Belcher cannot teach or render obvious claim 3.

Finally, as pointed out with respect to claim 1, neither Garber nor Belcher teach Applicants’ “delivery vehicle” or “a set of packages within said vehicle, said packages having a signal responsive tag” as required by claim 3. Therefore, claim 3 distinguishes over the cited art for this reason as well.

Claims 5, 8 and 9 distinguish over the cited art for at least the same reason as claim 3.

C. Claim 13 Distinguishes Over the Cited Art.

Claim 13 recites:

System comprising:

a vehicle for carrying packages;

means for determining when the vehicle reaches a destination; and

means for generating a list of transactions at said destination when said vehicle is determined to have arrived at said destination.

The Office Action states:

Belcher discloses (Summary, Fig. 1, associated text)

A vehicle for carrying packages; ...

Means for determining when the vehicle reaches a destination (C2, L80-C3, L12)....

Belcher does not specifically disclose means for generating a list of transactions at said destination when said vehicle is determined to have arrived at said destination [claims 13, 14, 19].

However, Belcher teaches that his RF locating system may be used in many different applications (C12, L30-L59). One such obvious application to one ordinarily skilled in the art at the time the invention was made would be to further automate shipping, delivering, picking up, and taking possession of goods, in order to fully utilize the capabilities of the system.

Office Action, page 6. This rejection is based on a misunderstanding of Belcher's system. The Examiner seems to believe that Belcher teaches a delivery vehicle that travels about and a means for determining when the vehicle arrives at a destination. Such an understanding is incorrect. Belcher's system comprises

A plurality of tag emission readers 10, which are geographically distributed within and/or around **a prescribed asset management environment 12** containing a plurality of objects/assets 14....

Belcher col. 4, lines 29-32. Of importance, the vehicle shown in Belcher Fig. 1 is not a delivery vehicle or a vehicle travelling down a road somewhere, nor does it contain packages. Rather, Belcher's vehicle is one of many objects 14 within a manufacturing and storage facility 12. As shown in Belcher Fig. 1, the vehicle, a pallet of objects, a shipping container, an object in the process of being manufactured, and personnel are tracked within this specific facility 12. The vehicle is tracked while it is "moving or stored" within this facility (see the legend in Fig. 1).

As mentioned above, a) the Examiner admits that Belcher does not teach or suggest Applicants' claimed "means for generating a list of transactions at said destination when said vehicle is determined to have arrived at said destination"; and b) in order for a claim to be rendered obvious by the cited art, "**all** the claim limitations must

be taught or suggested by the prior art.” MPEP §2143.03 and Royka, supra. Because the cited references do not teach the above-mentioned limitation of claim 13, claim 13 cannot possibly be obvious. The Examiner’s alleged rational for rejecting the claims is illegal and improper.

The Examiner implies that Belcher’s vehicle is some kind of delivery vehicle that is tracked while driving down a road. As explained above, this is not what Belcher teaches. Thus, even if Belcher taught Applicants’ “means for generating a list of transactions” (which it certainly does not), there is no reason why such a means would be used in conjunction with Belcher’s vehicle, which is not a delivery vehicle, and does not contain packages.

The Examiner also misconstrues Belcher col. 12, lines 30-59. Belcher states:

As will be appreciated from the foregoing description, the above-described inability of the object tracking system proposed in the Heller patent to deal with the general problem of asset management in a variety of applications is successfully addressed by the radio location system of the present invention, which uses time-of-arrival differentiation for random and repetitive wideband (spread spectrum), short duration pulse transmissions (blinks) from object-attached tags, to provide what is effectively a practical, continuous identification of the location of each and every object **within a monitored environment of interest**....

Belcher col. 12, line 30 et seq., emphasis added. As mentioned above, Belcher emphasizes that he is solely interested in monitoring inventory within a specific environment, e.g. a warehouse or manufacturing and storage facility. There is nothing in Belcher to teach or suggest monitoring anything outside that environment.

Finally, Belcher’s apparatus would be inappropriate for use in conjunction with Applicants’ invention. Belcher relies on a series of tag emission readers 10 placed within his storage/manufacturing facility 12. Belcher relies on the difference between the time



signals from tags 16 reach the various emission readers 10 within that facility. There is nothing in Belcher that would motivate one skilled in the art to place such readers 10 around a city to keep track of delivery vehicles, because that is completely alien to what Belcher seeks to accomplish. Such a modification certainly isn't taught by Belcher. Therefore, under the rule enunciated in Royka and MPEP section 2143.01, claim 13 must be allowed.

Garber merely places tags on books in a library. There is no mention of delivery vehicles, or anything even remotely pertinent to claim 13. Therefore, Garber does not remedy any of the shortcomings in Belcher's disclosure.

Claims 14-18 distinguish over the cited art for at least the same reason as claim 13.

D. Claim 16 Distinguishes Over the Cited Art.

Claim 16 recites "Method of claim 14 wherein a GPS is affixed to the vehicle, said automatically sensing being performed by said GPS." The Office Action begins by admitting that neither reference teaches or suggests GPS. Thus, the Office Action states:

Both references are silent on a GPS being affixed to the vehicle, said automatically sensing being performed by said GPS.

However, because GPS has become a well-known popular, and cost effective method for accurate determination of a geographical location, it would have been obvious to one ordinarily skilled in the art at the time the invention was made to have integrated this feature into Belcher's system, so that the process of locating vehicles and packages would be even more reliable, accurate, and fast, thus attracting even more users to the system.

Office Action, page 8. This is incorrect. As mentioned above, Belcher teaches a system for monitoring items within "a prescribed asset management environment 12," e.g. a

warehouse, manufacturing or storage facility. (See Belcher Fig. 1 and col. 4, lines 31-32.) Belcher's vehicle is not a delivery vehicle, nor does it deliver packages, nor is it monitored outside of the prescribed asset management environment. In other words, Belcher does not use his system to track his vehicle while it is driving down a street. Rather, he tracks it, along with numerous other objects (e.g. personnel, devices in the midst of manufacture, pallets and storage containers) within a facility. He needs to be able to locate objects to within 10 feet. Belcher col. 5, line 18. A GPS would be inappropriate for this purpose. Because a proposed modification cannot render the prior art unsatisfactory for its intended purpose (MPEP §2143.01, page 2100-132), the rejection of claim 16 is illegal.

Belcher further states that he must be capable of tracking whether objects are on a particular floor of his facility. Belcher col. 3, lines 11-20. Again, a GPS would be inappropriate for this purpose.

Belcher's invention resides in his tags. There is no reason one would replace Belcher's entire invention and replace it with a GPS system. "If the proposed modifications or combinations of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." MPEP §2143.01, page 2100-132. Therefore, the rejection of claim 16 is improper.

As mentioned above, Garber merely places tags on library books. There is nothing in Garber even remotely suggestive of a GPS. Therefore Garber does not remedy any of the shortcomings in Belcher's disclosure.

Claim 24 is similarly patentable over the cited art.

E. Claims 17 and 18 Distinguish Over the Cited Art.

Claim 17 recites “Method of claim 14 wherein said list of transactions comprises a list of packages to be taken off of said vehicle and delivered to said destination.” Claim 18 recites “Method of claim 14 wherein said list of transactions comprises a list of packages to be placed on said vehicle from said destination.” Belcher neither teaches nor suggests where Belcher teaches taking packages off or on his vehicle. Further, Belcher neither teaches or suggests generating a list of such packages. Therefore, claims 17 and 18 are patentable.

At page 7, the Office Action appears to imply that the Garber contains the limitations missing from Belcher. Specifically, the Office Action states:

Belcher in view of Garber further disclose ...:

[claim 17] list of transactions comprises a list of packages to be taken off of said vehicle and delivered to said destination.

This is incorrect. Garber merely pertains to a system for monitoring the books checked out of a library by library patrons. There is nothing in Garber that pertains to a list of packages to be taken off of a vehicle. Further, the Office Action doesn’t even pretend to provide a citation to Garber where such a limitation might be disclosed. Therefore, the rejections of claim 17 and 18 are improper and must be withdrawn.

E. Claim 20 Distinguishes Over the Cited Art.

Claim 20 recites:

a vehicle for carrying packages;

means for determining when the vehicle reaches a destination; and

means for automatically communicating to a purchaser when the goods have arrived at said destination.

The examiner admits that neither Belcher nor Garber teaches the “means for automatically communicating.” However, the Examiner argues “Another obvious application would be advising shippers and receivers alike of the time when goods have moved from or reached certain locations, therefore meeting the further limitations.”

Office Action, page 6.

Once again, Applicants point out that in order for a claim to be obvious, the prior art must show **all** the claim limitations. Royka, supra, and MPEP §2143.03. Because the cited references do not teach the above-mentioned limitation of claim 20, claim 20 cannot be obvious.

It is clear that that since the prior art does not teach or suggest Applicants’ limitations, the rejection of claim 20 is a hindsight rejection. Such rejections are illegal, and must be overturned. MPEP §2141.01(III).

Claims 21-27 distinguish over the cited art for at least the same reason as claim 20.

G. Claim 25 Distinguishes Over the Cited Art.

Claim 25 recites:

Method of claim 21 wherein said sensing device automatically senses when the vehicle has arrived at said destination, said sensing device being coupled via a WAN to a computer, said computer system initiating a message to a purchaser in response to the arrival of said vehicle.

First, Belcher neither teaches nor suggests a WAN (wide area network). Second, since Belcher’s apparatus is used within a **specific facility 12**, there is no reason Belcher would

want to use a wide area network. Third, Belcher never mentions purchasers, a computer initiating a message to a purchaser, or any reason why such a computer would be of any use. Therefore, claim 25 should be allowed.

The Office Action implies that Belcher Fig. 1 shows a WAN. As can clearly be seen, there is absolutely nothing in Belcher Fig. 1 that shows, teaches or suggests a WAN, nor does the Office Action even pretend to point out where such a WAN exists.

Garber has absolutely nothing to do with claim 25. In particular, Garber does not teach or suggest a WAN, a vehicle arriving at a destination, or any means for indicating to purchasers when the vehicle arrives. In short, this rejection makes no sense.

Claim 26 and 27 should be allowed for similar reasons.

#### H. Claim 28 Distinguishes Over the Cited Art.

Claim 28 recites:

Method comprising:

providing a set of packages on a vehicle, at least some of said packages comprising a signal responsive tag within or affixed thereto;

providing a database listing said packages within said vehicle;

removing at least some of said packages from said vehicle;

scanning the tags within or affixed to said packages; and

updating said database in response to said scanning,

wherein said tags are RFIDs and said scanning is accomplished with a scanner, said scanner providing a RF signal for querying said RFIDs and for receiving reply signals generated by said RFIDs in response to said signal for querying, said database being contained within one or more memory devices that are coupled to said scanner via a WAN.

The Office Action argues that Belcher teaches “providing a set of packages on a vehicle, at least some of said packages comprising a signal responsive tag within or affixed thereto.” (Office Action, page 6.) In fact, Belcher does not provide packages on his vehicle, nor does he apply a signal responsive tag to any packages within his vehicle. (The Examiner fails to point out where such a teaching exists in Belcher. The reason for this is simple. Belcher does not teach these limitations.)

The Examiner alleges that Belcher teaches “providing a database listing said packages within said vehicle.” Office Action, page 7. This is incorrect. Just as there are no packages in Belcher’s vehicle, there is no database listing such packages. (Again, the Office Action fails to give any hint whatsoever as to where this limitation may be found.)

The Examiner alleges that Belcher teaches “removing at least some of said packages from said vehicle.” Office Action, page 7. Belcher does not teach this limitation, nor does the Office Action attempt to point out where such a teaching exists.

The Examiner alleges that Belcher teaches “scanning the tags within or affixed to said packages.” Office Action, page 7. Since Belcher does not teach removing packages from the vehicle, Belcher does not teach or suggest scanning tags within or affixed to packages removed from the vehicle.

The Examiner alleges that Belcher teaches “updating said database in response to said scanning.” Office Action, page 7. Since the scanning described in the claim is not taught or suggest by Belcher, neither are the database updates.

Lastly, the Examiner alleges that Belcher teaches “wherein said tags are RFIDs ... couple (sic) to said scanner via a WAN.” Office Action, page 7. Belcher does not teach

or suggest a WAN, nor has the Examiner made any attempt whatsoever to identify a WAN in Belcher.

I. Claim 30 Distinguishes Over the Cited Art.

Claim 30 recites:

Method of claim 28 wherein said tags are RFIDs and said providing of said database comprises scanning the RFIDs of packages loaded onto said vehicle to thereby establish a list of said packages within said vehicle.

Office Action page 8 alleges that claim 30 is suggested somewhere in Garber or Belcher (although no citation is to any column or line number is provided). In any event, neither Garber nor Belcher has anything to do with packages loaded onto a vehicle. Therefore, these references could not possibly render obvious claim 30.

J. Claim 32 Distinguishes Over the Cited Art.

Claim 32 recites:

System comprising:

a destination location, said destination location comprising a scanner for scanning signal responsive tags contained within or affixed to packages;

one or more databases comprising a list of packages within a vehicle, said one or more databases being stored within one or more memory devices; and

a digital device coupled to said scanner and said one or more memory devices for updating the database as the tags within said vehicle are scanned by said scanner.

Office Action page 7 alleges that Belcher discloses “providing a database listing said packages within said vehicle.” As mentioned above, Belcher teaches no such thing.

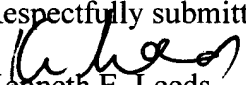
The vehicle shown in Belcher Fig. 1 does not contain any packages, nor is there a database listing packages within that vehicle.

Office Action page 7 alleges that Belcher teaches "scanning the tags within or affixed to said packages" within the vehicle. Again, since there are no packages within the vehicle of Belcher Fig. 1, Belcher does not scan tags within or affixed to such packages.

Office Action page 7 alleges that Belcher "updat(es) said database in response to said scanning." Since there is no such scanning, Belcher does not teach this limitation.

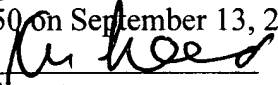
#### CONCLUSION

Belcher and Garber, taken alone or in any combination whatsoever, fail to teach or suggest the inventions claimed in this Application. These references fail to teach numerous limitations in Applicants' claims.

Respectfully submitted,  
  
Kenneth E. Leeds  
Reg. No. 30,566  
Attorney for Applicants

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on September 13, 2004.

September 13, 2004  
Date

  
Signature



## APPENDIX

1. A system comprising:
  - a delivery vehicle;
  - a set of packages within said vehicle, said packages having a signal responsive tag;
  - a transmitter for querying one of the signal responsive tags within said vehicle to thereby locate the package corresponding to said signal responsive tag; and
  - a sound generating device or a light source secured to said queried signal responsive tag identifying a package corresponding to said queried signal responsive tag.
2. System of claim 1 wherein said signal responsive tag is an RFID.
3. A system comprising:
  - a delivery vehicle;
  - a set of packages within said vehicle, said packages having a signal responsive tag;
  - a transmitter for querying one of the signal responsive tags within said vehicle to thereby locate the package corresponding to said signal responsive tag, said signal responsive tag emitting a signal in response to said querying; and
  - at least one light beam source for pointing to said package with a light beam, the direction of said light beam being in response to said signal.
5. A system comprising:

a delivery vehicle;

a set of packages within said vehicle, said packages having at least one signal responsive tag;

a transmitter for querying one of the tags within said vehicle to thereby locate the package corresponding to said tag, said tag generating a signal in response to said querying; and

a pointing device for identifying a package corresponding to said queried tag by pointing toward said package in a direction responsive to said signal generated by said tag.

6. A system comprising:

a delivery vehicle;

a set of packages within said vehicle, said packages having at least one signal responsive tag;

a transmitter for querying one of the tags within said vehicle to thereby locate the package corresponding to said tag; and

an output structure secured to said tag for providing an audible or visible output identifying the package corresponding to said queried tag.

7. System of claim 6 wherein the tag is an RFID and the output structure is either a light emitting device secured to the queried RFID for providing a visible output identifying said RFID or a sound emitting device secured to the queried RFID for providing an audible output identifying said RFID.

8. Method for locating a package within a vehicle comprising:
  - providing a signal for querying a signal responsive tag, said tag being within or affixed to said package within said vehicle;
  - receiving a reply signal from said tag;
  - determining the location of the tag in response to the reply signal and indicating the location of the tag using one or more light beams for pointing toward the tag, the direction of said light beams being responsive to said reply signal.
9. Method of claim 8 wherein said tag is an RFID.
10. Method for locating a package within a vehicle comprising:
  - providing a signal for querying a signal responsive tag, said tag being within or affixed to said package within said vehicle; and
  - providing an audible and/or visible indication at the location of the tag in response to said querying of said tag, said audible and/or visible indication being provided by an indication source secured to said tag.
11. Method of claim 10 wherein said tag is an RFID and said audible indication is provided by a sound-emitting device coupled to the RFID.
12. Method of claim 10 wherein said tag is an RFID and said visible indication is provided by a light-emitting device coupled to the RFID.

13. System comprising:
  - a vehicle for carrying packages;
  - means for determining when the vehicle reaches a destination; and
  - means for generating a list of transactions at said destination when said vehicle is determined to have arrived at said destination.
14. A method comprising:
  - providing a vehicle transporting a set of packages to a destination;
  - sensing when the vehicle arrives at a destination; and
  - generating a list of transactions when said vehicle arrives at said destination in response to said automatic sensing.
15. Method of claim 14 wherein said automatically sensing comprises sensing a RFID within or affixed to said vehicle.
16. Method of claim 14 wherein a GPS is affixed to the vehicle, said automatically sensing being performed by said GPS.
17. Method of claim 14 wherein said list of transactions comprises a list of packages to be taken off of said vehicle and delivered to said destination.

18. Method of claim 14 wherein said list of transactions comprises a list of packages to be placed on said vehicle from said destination.
19. System comprising:
- a vehicle for carrying packages;
  - a sensing mechanism for determining when the vehicle reaches a destination; and
  - an output device for providing a list of transactions at said destination when said vehicle is determined to have arrived at said destination.
20. System comprising:
- a vehicle for carrying packages;
  - means for determining when the vehicle reaches a destination; and
  - means for automatically communicating to a purchaser when the goods have arrived at said destination.
21. A method comprising:
- providing a vehicle transporting a set of packages to a destination;
  - automatically sensing when the vehicle arrives at a destination; and
  - initiating a message to a purchaser when said packages arrives at said destination in response to said automatic sensing.
22. Method of claim 21 wherein said automatically sensing comprises sensing a RFID within or affixed to said vehicle.

23. Method of claim 21 wherein said automatically sensing comprises sensing RFIDs within or affixed to said packages.

24. Method of claim 21 wherein a GPS is affixed to the vehicle, said automatically sensing being performed by said GPS.

25. Method of claim 21 wherein said sensing device automatically senses when the vehicle has arrived at said destination, said sensing device being coupled via a WAN to a computer system, said computer system initiating a message to a purchaser in response to the arrival of said vehicle.

26. Method of claim 21 wherein said sensing device automatically senses when the packages have arrived at said destination, said sensing device being coupled via a WAN to a computer system, said computer system initiating a message to a purchaser in response to the arrival of said vehicle.

27. System comprising:  
a vehicle for carrying packages;  
a sensor determining when the vehicle reaches a destination; and  
a message transmitter for automatically communicating a message to a purchaser when the goods have arrived at said destination.

28. Method comprising:

- providing a set of packages on a vehicle, at least some of said packages comprising a signal responsive tag within or affixed thereto;
- providing a database listing said packages within said vehicle;
- removing at least some of said packages from said vehicle;
- scanning the tags within or affixed to said packages; and
- updating said database in response to said scanning,

wherein said tags are RFIDs and said scanning is accomplished with a scanner, said scanner providing a RF signal for querying said RFIDs and for receiving reply signals generated by said RFIDs in response to said signal for querying, said database being contained within one or more memory devices that are coupled to said scanner via a WAN.

30. Method of claim 28 wherein said tags are RFIDs and said providing of said database comprises scanning the RFIDs of packages loaded onto said vehicle to thereby establish a list of said packages within said vehicle.

31. Method of claim 28 further comprising querying said database to ascertain the location of said package.

32. System comprising:

- a destination location, said destination location comprising a scanner for scanning signal responsive tags contained within or affixed to packages;

one or more databases comprising a list of packages within a vehicle, said one or more databases being stored within one or more memory devices; and

a digital device coupled to said scanner and said one or more memory devices for updating the database as the tags within said vehicle are scanned by said scanner.